

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH ANTONETTI,

Plaintiff,

v.

No. 21-cv-0279 KG/SMV

N.M.C.D. WARDEN SANTISTEFAN, et al.,

Defendants.

ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

THIS MATTER is before the Court on Plaintiff's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Doc. 2], docketed on March 26, 2021. Based on analysis of the application and the inmate account statement, *id.* at 3–4, the Court will grant Plaintiff leave to proceed under 28 U.S.C. § 1915. Because the Court will grant the application, the filing fee for this civil rights complaint is \$350. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid.

Plaintiff's inmate account statement shows total deposits over the six-month period preceding filing in the amount of \$280, for an average monthly deposit of \$46.67. [Doc. 2] at 4. Analyzing Plaintiff's inmate account statement under § 1915(b)(1), the Court finds that Plaintiff owes an initial partial payment of \$9.33 (20% of \$46.67). If Plaintiff fails to make a payment by the designated deadline or show cause why such payment should be excused, the Complaint may be dismissed without further notice.

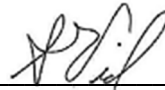
IT IS THEREFORE ORDERED that Plaintiff's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that, **no later than August 10, 2021**, Plaintiff send to the Clerk an initial partial payment of \$9.33 or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk provide Plaintiff with two copies of this Order and that Plaintiff attach one copy of this Order to the check with the initial partial payment.

IT IS FURTHER ORDERED that, after payment of the \$9.33 initial partial fee, Plaintiff make monthly payments of 20% of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge